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PROVISIONAL SUMMARY RECORD OF THE TWENTY-FIRST MEETING

Held at the Parque Central, Caracas,
on Wednesday, 31 July 1974 at 12.45 p.m.

President:

Mr. AGUILAR

Venezuela

Rapporteur:

Mr. NANDAN

Fiji

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CONSIDERATION OF SUBJECTS AND ISSUES AND RELATED ITEMS: ITEM 6 - EXCLUSIVE
ECONOMIC ZONE BEYOND THE TERRITORIAL SEA

Mr. TEMPLETON (New Zealand) said that his country had for some years firmly supported the economic zone concept, and had co-sponsored working paper A/CONF.62/L.4 whose pivotal feature was the 200-mile economic zone. The very wide support given to that concept during the Conference clearly assured it of a place in the new convention on the law of the sea. It now remained to find the exact method of safeguarding legitimate competing interests with regard to the zone.

New Zealand's support for the economic zone concept was motivated by the same special concern expressed by the South Pacific island States. Such countries looked increasingly to the surrounding ocean as a necessary supplement to their slender land resources, and there was little if any possibility of harming neighbouring countries in view of the remoteness of the island countries of the South Pacific. While the fishing interests of other countries might be affected, they will exist to find a way of dealing with that situation.

New Zealand had a relatively generous under-water extension of the land mass, in which there had already been one discovery of natural gas deposits. In view of New Zealand's extreme distance from the great oil producing regions of the world, the existence of sources of hydrocarbons in the area was of greatest importance to its young and growing community. The establishment of an economic zone of the kind which was emerging in the Conference would enable New Zealand to meet its needs for hydrocarbons, as well as to safeguard the vulnerable fish resources of the region from large distant water fishing fleets. A co-operative zonal régime was needed which would offer more discipline than the traditional freedoms of the high seas.

The suggestion had been advanced in the Sea-Bed Committee and repeated by one delegate in the plenary to the effect that there should be a restriction on the ocean space and, in particular, on the economic zone of islands. The New Zealand delegation assumed that such a suggestion had been made in the context of the special delimitation problems affecting islands in enclosed or semi-enclosed seas. If, however, a broader principle had been intended, his delegation had the strongest objection to it. The application of such a principle would doubly penalize the island countries of the Pacific, already inhibited by geographical remoteness and suffering difficulties with resources and marketing, by withdrawing from them the benefits of a proper economic zone. His delegation was also sure that most delegations had serious

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Thirdly, the needs of distant water fishing countries and of other States interested in fishing in the economic zones of a particular region should be taken into account, and New Zealand was ready to offer concessions in that regard. The joint Australian-New Zealand fisheries paper submitted to the Sea-Bed Committee (A/AC.138/SC.II/L.11) would also provide a general régime for fisheries and economic zones under which that portion of the allowable catch not taken by the coastal State would be available for the fishing vessels of third countries. The sponsors were revising that paper into draft articles for possible presentation under the item on fisheries. Most of the major distant-water fishing countries seemed willing to come to terms with the idea of the 200-mile zone in which fish stocks were managed, conserved and harvested by the coastal State. Coastal States also seemed willing to accept the obligation to allow fishermen from other countries to enter the 200-mile zone on reasonable terms and conditions to take the balance of the allowable catch not harvested by the local industry.

Fourthly, agreement on the economic zone would not be possible unless adequate provision was made to ensure that, as envisaged in the Addis Ababa and Mogadishu Declarations of the Organization of African Unity, the rights to an economic zone would not be recognized for those territories still remaining under colonial or foreign domination. Not much progress had been made so far in translating that worthwhile idea into exact treaty language. It was, of course, difficult to do so without running the risk of affecting the rights of territories which did not in fact fall into the particular category in question. A formula could be found however, to ensure that, in respect of a territory which had neither full independence nor some other self-governing status, achieved after an act of self-determination under the auspices of the United Nations, the rights to the resources of an economic zone created in respect of that territory and to its continental shelf were vested in the inhabitants of the territory to be exercised by them for their benefit and in accordance with their needs and requirements. It should be made clear that such rights could not be exercised, profited from or infringed by a metropolitan or foreign power administering or occupying such a territory. The New Zealand delegation together with Fiji, Tonga, and Western Samoa had submitted a draft article on that subject contained in A/CONF.62/C.2/L.30.

The meeting rose at 1.00 p.m.

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misgivings about the thought of varying the attributes of State sovereignty with regard either to the territorial sea or the economic zone according to a calculation of the size of a State, its population or other factors. No such discrimination was envisaged in existing international law as contained in the 1958 Geneva Conventions.

New Zealand, along with other States had sponsored a set of draft articles contained in document A/CONF.62/C.2/L.30 which preserved the entitlement of island States and islands generally to the same territorial sea and economic zone to be fixed for other land territory. It was essential that no doubt should be cast on the principle of equitable treatment of all types of land territory.

No solution ensuring the general acceptance of the economic zone would come from the Conference unless each delegation aimed at a reconciliation of all major viewpoints whether or not they affected its own circumstances. With regard to the concept of the economic zone, there were four major areas where compromise seemed possible.

First and foremost the interests of the land and shelf-locked countries, especially those with developing status, deserved most serious consideration in relation to economic zones. While not every aspect of that group's wishes could conveniently be met, New Zealand and the other sponsors of working paper A/CONF.62/L.4 had committed themselves to producing draft articles recognizing the requirement for equitable rights of access by disadvantaged developing States to the living resources of the economic zones of neighbouring countries.

Secondly, there was a wide divergence of interests and viewpoints in regard to the areas of continental margin which lay beyond the 200-mile economic zone. New Zealand had a very large continental margin, much of which was already under licence to companies to search for and to exploit natural gas, oil and other mineral resources. In the view of the New Zealand delegation, the existing law set out in the 1958 Geneva Convention on the Continental Shelf and confirmed by the International Court of Justice and the practice of States granted a coastal State sovereign rights over sea-bed resources throughout the natural prolongation of its land territory, that is over the whole of the margin. In view of New Zealand's remoteness and isolation in the vast ocean, it was not unreasonable to ask that the new law of the sea confirm the existing rights of the coastal State to its continental margin.

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